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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	MM Docket No. <u>99-153</u>
)	
READING BROADCASTING, INC.)	File No. BRCT-940407KF
)	
For Renewal of License of Station)	
WTVE(TV), Channel 51,)	
Reading, Pennsylvania)	
)	
and)	
)	
ADAMS COMMUNICATIONS)	
CORPORATION)	File No. BPCT-940630KG
)	
For Construction Permit for a)	
New Television Station On)	
Channel 51, Reading,)	
Pennsylvania)	

To: Administrative Law Judge Richard L. Sippel

**PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW OF
READING BROADCASTING, INC.**

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SUMMARY

This is a comparative license renewal case between Reading Broadcasting, Inc. ("Reading"), the incumbent licensee of WTVE(TV), Reading, Pennsylvania, and Adams Communications Corporation ("Adams"), the challenger. Reading is fully qualified to remain a Commission licensee. The challenger, Adams, is not qualified to be a licensee because its application is an abuse of the Commission's processes. Even if Adams were deemed to be qualified, Reading is the superior applicant under the Commission's comparative criteria.

A. Comparative Issue

Reading's operation of WTVE(TV), Reading, Pennsylvania during the 1989-94 license term constituted substantial performance, which merits a dispositive renewal expectancy. Even if that were not the case, Reading's comparative credits for local residence, civic activities, past broadcast experience and comparative coverage would be dispositive.

B. Misrepresentation/Lack of Candor Issue

The record reflects a complete absence of deceptive intent by Mr. Parker which might support a misrepresentation / lack of candor finding against him. In particular, the representations at issue are fully responsive, provide all the information requested by the application forms, and are consistent with all the Commission's requirements that can be clearly identified to an ascertainable certainty. Moreover, the representations were

made in reasonable, good faith reliance upon the advice of counsel, which, consistent with the Commission's past practice, policy, and precedent, precludes a misrepresentation / lack of candor finding.

C. Abuse of Process Issue

In WWOR-TV, Inc., 7 FCC Rcd 636, ¶ 25 (1992), aff'd sub nom. Garden State Broadcasting, L.P. v. FCC, 996 F.2d 386 (D.C. Cir. 1993), the Commission found two factors to be "especially probative" as indications that the challenger had not filed with the intention of acquiring, owning, and operating the television station at issue: first, the Commission found that the challenging applicant's stated reason for filing its application "was at best without credibility and at worst false and misleading;" and, second, the remaining evidence of the challenging applicant's purpose did not demonstrate a primary interest in owning the television station. Garden State Broadcasting, L.P. v. FCC, 996 F.2d at 391; see WWOR-TV, Inc., 7 FCC Rcd 636, ¶ 25. "As additional evidence of intent, the FCC relied on the fact that [the principals of the challenging applicant] formed [the challenging applicant] almost immediately after they received large payments from [a prior comparative renewal challenge] settlement." Id. at 391; see WWOR-TV, Inc., 7 FCC Rcd 636, ¶ 25.

As in Garden State, Adams' stated reason for filing its application here is, at best, without credibility and, at worst, false and misleading. Likewise, the remaining evidence of Adams' intent does not demonstrate a primary interest in owning Channel 51 in Reading, Pennsylvania. Finally, as in

Garden State, Adams was formed for the purpose of filing a comparative renewal challenge almost immediately after its principals received large payments in settlement of their prior comparative renewal challenge of Video 44. Accordingly, as in Garden State, the challenger's -- Adams' -- comparative renewal application must be denied as an abuse of process.